

## **MINUTES**

**CITY OF IMPERIAL BEACH  
CITY COUNCIL  
PLANNING COMMISSION  
PUBLIC FINANCING AUTHORITY  
HOUSING AUTHORITY  
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

**MAY 21, 2014**

**Council Chambers  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:30 P.M.  
REGULAR MEETING – 6:00 P.M.***

### **CLOSED SESSION CALL TO ORDER**

MAYOR JANNEY called the Closed Session meeting to order at 5:32 p.m.

### **ROLL CALL BY CITY CLERK**

Councilmembers present:	Bilbray (arrived at 5:35 p.m.), Spriggs, Bragg
Councilmembers absent:	None
Mayor Present:	Janney
Mayor Pro Tem Absent:	Patton
Staff Present:	City Manager Hall, City Attorney Lyon, City Clerk Hald, Public Works Director Levien, Assistant City Manager Wade, Environmental Manager Helmer

### **CLOSED SESSION**

**MOTION BY SPRIGGS, SECOND BY BRAGG, TO ADJOURN TO CLOSED SESSION UNDER:**

#### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code §54956.8:

Property: 1075 8th Street, Imperial Beach, CA 91932, APN 626-400-71-00

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: County of San Diego

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

#### **MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: BRAGG, SPRIGGS, JANNEY**

**NOES: COUNCILMEMBERS: NONE**

**ABSENT: COUNCILMEMBERS: BILBRAY, PATTON**

### **ADJOURN CLOSED SESSION**

MAYOR JANNEY adjourned the meeting to Closed Session at 5:33 p.m. and he reconvened the meeting to Open Session at 6:00 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council discussed the Closed Session item, City Council gave direction and no reportable action was taken.

**REGULAR MEETING CALL TO ORDER**

MAYOR JANNEY called the City Council meeting to order at 6:01 p.m.

**ROLL CALL BY CITY CLERK**

Councilmembers present:	Bilbray, Spriggs, Bragg
Councilmembers absent:	None
Mayor Present:	Janney
Mayor Pro Tem Present:	Patton (arrived at 7:28 p.m.)
Staff Present:	City Manager Hall, City Attorney Lyon, City Clerk Hald, Public Works Director Levien, Assistant City Manager Wade, Environmental Manager Helmer

MAYOR JANNEY announced that Councilmember Patton will be late because the school he works at is holding an open house this evening.

**PLEDGE OF ALLEGIANCE**

MAYOR JANNEY led everyone in the Pledge of Allegiance.

**AGENDA CHANGES**

None.

**MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY  
ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES**

None.

**COMMUNICATIONS FROM CITY STAFF**

CITY MANAGER HALL announced that there will be a Memorial Day event at Veterans Park on Monday, May 26, 2014 at 9:00 a.m.

**PUBLIC COMMENT**

None.

**PRESENTATIONS (1)**

None.

**CONSENT CALENDAR (2.1-2.6)**

**MOTION BY BILBRAY, SECOND BY SPRIGGS, TO APPROVE CONSENT CALENDAR  
ITEM NOS. 2.1 THRU 2.6. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: BRAGG, SPRIGGS, BILBRAY, JANNEY**

**NOES: COUNCILMEMBERS: NONE**

**ABSENT: COUNCILMEMBERS: PATTON**

**2.1 CONSIDERATION OF A RESOLUTION THAT WOULD AUTHORIZE  
IMPLEMENTATION OF THE CALIFORNIA PACE PROGRAM THROUGH  
PARTICIPATION WITH THE HERO AND FIGTREE PROGRAMS. (0660-55)**

Adopted various resolutions and agreement that would authorize the implementation of the California HERO and Figtree Programs for property owner financing of renewable energy sources, energy and water efficiency improvements and electric vehicle charging infrastructure through the California Property Assessed Clean Energy (PACE) program.

- Adopted Resolution 2014-7486 seeking inclusion in the California HERO Program and an amendment to the WRCOG Joint Powers Agreement establishing Imperial Beach as an Associate Member.
- Adopted Resolution 2014-7487 authorizing the California Enterprise Development Authority (CEDA), through Figtree Energy Financing, to offer their program and levy assessments within the City of Imperial Beach.
- Adopted Resolution 2014-7488 to join the California Enterprise Development Authority (CEDA) as an Associate Member and enter into an Agreement with CEDA to permit the provision of the PACE Program services within the City.

**2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)**

Ratified the following registers: Accounts Payable Numbers 84515 through 84587 with a subtotal amount of \$1,235,230.19 and Payroll Checks/Direct Deposits 45897 through 45923 for a subtotal amount of \$145,713.32 for a total amount of \$1,380,943.51.

**2.3 ADOPTION OF RESOLUTION 2014-7482 RATIFYING THE CITY MANAGER'S SIGNATURE RENEWING AN ENTRY AND STORAGE PERMIT WITH THE YMCA FOR STORAGE OF UP TO SEVEN (7) LIFEGUARD TOWERS, ONE PERSONAL WATERCRAFT WITH TRAILER, AND A LAND/SEA CONTAINER WITH ITS CONTENTS. (0130-70 & 0220-20)**

Adopted resolution.

**2.4 ADOPTION OF RESOLUTION 2014-7485 RATIFYING THE CITY MANAGER'S SIGNATURE RENEWING THE AGREEMENT WITH THE YMCA AUTHORIZING PLACEMENT OF A LIFEGUARD TOWER ON THE SOUTHWEST CORNER OF CAMP SURF. (0130-70 & 0220-20)**

Adopted resolution.

**2.5 ADOPTION OF RESOLUTION NO. 2014-7480 RATIFYING THE CITY MANAGER'S SIGNATURE ON THE MOU BETWEEN THE CITY OF SAN DIEGO OFFICE OF HOMELAND SECURITY AND IMPERIAL BEACH REGARDING URBAN AREA SECURITY INITIATIVE (UASI) GRANT FUNDING IN THE AMOUNT OF \$1,498.48 FOR TRAINING REIMBURSEMENT. (0390-88)**

Adopted resolution.

**2.6 ADOPTION OF RESOLUTION NUMBER 2014-7481 AUTHORIZING THE CITY MANAGER TO RENEW THE AGREEMENT BETWEEN THE SAN DIEGO FIRE-RESCUE DEPARTMENT, SAN DIEGO PROJECT HEARTBEAT AND THE CITY OF IMPERIAL BEACH FOR AUTOMATIC EXTERNAL DEFIBRILLATOR/PUBLIC ACCESS DEFIBRILLATION (AED/ PAD) PROGRAM TRAINING, MANAGEMENT, AND INCIDENT MANAGEMENT SERVICES. (0210-30)**

Adopted resolution.

**ORDINANCES – INTRODUCTION/FIRST READING (3.1)**

**3.1 INTRODUCTION AND FIRST READING, BY TITLE ONLY, OF AN ORDINANCE AMENDING THE IMPERIAL BEACH MUNICIPAL CODE ADDING CHAPTER 2.32 CREATING THE IMPERIAL BEACH PARKS AND RECREATION COMMITTEE. (0120-80)**

CITY MANAGER HALL introduced the item. With regard to Imperial Beach Municipal Code (IBMC) section 2.32.020 B, he suggested a modification to this section so that the replacement of any member of the Imperial Beach Parks and Recreation Committee will be done consistent with IBMC 2.18.030.

CITY ATTORNEY LYON noted that IBMC 2.18.030, which states that a member may be removed by a majority vote of the council or by the mayor with the approval of the council, applies to any board, commission or committee of Imperial Beach. She further stated that there is no cause requirement for removal of members.

In response to City Council's discussion about residency requirements and the potential need for a member with expertise in the field of parks and recreation, CITY ATTORNEY LYON recommended adding a new section IBMC 2.32.020 F to address the matter.

There was further City Council direction to amend 2.32.040 to allow for flexibility of the committee to meet more frequently should they be directed to do so at the direction of the City Council.

Consensus of City Council to move on to Agenda Item No. 4.1 to allow the City Attorney time to draft language for IBMC 2.32.020 F and to modify IBMC 2.32.040.

#### **PUBLIC HEARINGS (4.1)**

##### **4.1 RESOLUTION NO. 2014-7484 APPROVING THE SEWER FLOW METER AND UNIT GENERATION RATE EVALUATION STUDY AND ADOPTING THE SEWER CAPACITY FEE CUSTOMER CLASS EDU GUIDELINES. (0390-55)**

MAYOR JANNEY declared the public hearing open.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item.

CITY CLERK HALD announced no Speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

PUBLIC WORKS DIRECTOR LEVIEN responded to questions of City Council regarding the change in unit generation rates.

**MOTION BY BRAGG, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2014-7484 A RESOLUTION APPROVING THE SEWER FLOW METER AND UNIT GENERATION RATE EVALUATION STUDY AND ADOPTING THE SEWER CAPACITY FEE CUSTOMER CLASS EDU GUIDELINES. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: BRAGG, SPRIGGS, BILBRAY, JANNEY**

**NOES: COUNCILMEMBERS: NONE**

**ABSENT: COUNCILMEMBERS: PATTON**

#### **REPORTS (5.1-5.4)**

##### **5.1 RESOLUTION NO. 2014-7483 AFFIRMING THE FISCAL YEAR 2014/2015 SEWER SERVICE CHARGE RATES FOR SANITARY SEWER SERVICE AS APPROVED AND ADOPTED BY ORDINANCE 2013-1138 ON MAY 15, 2013. (0830-95)**

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item. He noted that in 2013 City Council approved a Sewer Service Charge and Capacity Fee Study that adopted a rate adjustment of 3% for the first year with subsequent years having an adjustment of 1.6%. He further reported that in 2013 the rates were noticed and considered under Proposition 218 requirements. Although there is no requirement to revisit and adopt the rate

increase for FY 2014/2015, there was a request of the City Council to provide an update on the finances related to the sewer service fee. He stressed that the 1.6% increase is needed to ensure the health of the Sewer Enterprise Fund.

In response to Councilmember Spriggs' question about the shortfall of \$138,630, CITY MANAGER HALL stated that when the study was completed, the revenue stream was different because the City was receiving a large amount of revenue from the U.S. Navy which is no longer being received. Although it may appear that the revenues are lower, the expenses are also lower.

KARYN KEESE, of Atkins North America, Inc., reported on the various methods for basing customer water volume usage. She noted that Imperial Beach's method is good and if desired, she can come back to City Council with other options.

MAYOR JANNEY supported a review of other options for basing customer water volume usage.

COUNCILMEMBER BILBRAY stressed that it is important to be as fair as possible to single family residential customers and not give discounts to multifamily properties.

KARYN KEESE explained the amount of revenue that will be generated from the 1.6% rate increase and she explained that the deficit is due to the Navy no longer paying into the system.

CITY MANAGER HALL added that the amount should balance out because there will not be an expense to treat the effluent from the Navy.

City Council discussion ensued. There was support for bringing back a review of the revenues and expenses, how the rates are calculated, and including other rate calculation options.

In response to concerns of City Council, CITY MANAGER HALL stated that he understands the value of backing out the portion of the Navy's revenue and expenditures to make it easier to explain sewer service charge rates in the future.

**MOTION BY BRAGG, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2014-7483 AFFIRMING THE 1.6 % AVERAGE INCREASE IN SEWER RATES FOR ALL CUSTOMER CLASSES. MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS: BRAGG, BILBRAY, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS: NONE</b>
<b>ABSTENTIONS:</b>	<b>COUNCILMEMBERS: SPRIGGS</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS: PATTON</b>

**ORDINANCES – INTRODUCTION/FIRST READING (Continued)**

**3.1 INTRODUCTION AND FIRST READING, BY TITLE ONLY, OF AN ORDINANCE AMENDING THE IMPERIAL BEACH MUNICIPAL CODE ADDING CHAPTER 2.32 CREATING THE IMPERIAL BEACH PARKS AND RECREATION COMMITTEE. (0120-80)**

CITY ATTORNEY LYON read the following changes for the record:

- IBMC 2.32.020 B: Members of the Parks and Recreation Committee may be removed in accordance with IBMC section 2.18.030.

- Addition of IBMC 2.32.020 F: Notwithstanding IBMC section 2.18.040, all members of the Parks and Recreation Committee shall be residents of the city unless the City Council determines by a four-fifths (4/5) vote that a non-resident shall be appointed due to special expertise that is not available among resident candidates. No more than one non-resident shall serve on the Committee at one time.
- IBMC 2.32.040: that the committee will meet at least on a quarterly basis or as directed by the City Council.

CITY CLERK HALD read the title of Ordinance No. 2014-1145 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING THE IMPERIAL BEACH MUNICIPAL CODE BY ADDING CHAPTER 2.32, TO CREATE THE IMPERIAL BEACH PARKS AND RECREATION COMMITTEE AND ESTABLISH COMMITTEE DUTIES AND RESPONSIBILITIES; AND PROVIDING AN EFFECTIVE DATE."

**MOTION BY SPRIGGS, SECOND BY BILBRAY, TO INTRODUCE AND CONDUCT THE FIRST READING OF ORDINANCE NO. 2014-1145, BY TITLE ONLY, WAIVE FURTHER READING IN FULL, AND SCHEDULE THE SECOND READING AND ADOPTION OF THE ORDINANCE ON JUNE 4, 2014. MOTION CARRIED BY THE FOLLOWING VOTE.**

**AYES: COUNCILMEMBERS: BRAGG, SPRIGGS, BILBRAY, JANNEY**

**NOES: COUNCILMEMBERS: NONE**

**ABSENT: COUNCILMEMBERS: PATTON**

## **5.2 DISCUSSION AND DIRECTION REGARDING A 4<sup>TH</sup> OF JULY FIREWORKS DISPLAY IN THE CITY OF IMPERIAL BEACH. (1040-10)**

Correspondence from Candy Unger was submitted as Last Minute Agenda Information.

MAYOR JANNEY introduced the item, he disclosed that he had communication with Candy Unger regarding this item, he recognized Ms. Unger and the volunteer group for their efforts in raising funds for the event, he supported having the City sign the agreements associated with the event and for having the volunteer group raise as much funds as possible.

CANDY UNGER submitted a Fundraising Plan Timeline, she announced that \$12,500 has been raised, which is enough to cover the cost for the first payment to the producer. She reported on the fundraising plans and events, and she distributed collection cans to City Council to assist with the fundraising effort.

MAYOR JANNEY recognized Public Safety Director Clark for his assistance with organizing the event.

COUNCILMEMBER SPRIGGS stated that at the previous City Council meeting he supported having the City take care of the technical work (i.e. insurance and permitting) and for having the community raise as much funds as possible.

PUBLIC SAFETY DIRECTOR CLARK reported on the status on the required permits.

COUNCILMEMBER BRAGG spoke in support for planning ahead for the future and including the event as part of the City's future budget discussion.

MAYOR JANNEY responded that at the previous City Council meeting, Port Commissioner Malcolm voiced his support for a fireworks event next year. He was hopeful that Port Commissioner Malcolm will be able to assist with funding for that event.

CITY MANAGER HALL stated that City Staff will return to City Council at their next meeting with the required agreements.

**MOTION BY JANNEY, SECOND BY BILBRAY, TO HAVE STAFF MOVE FORWARD WITH PLANNING THE 4<sup>TH</sup> OF JULY FIREWORKS DISPLAY EVENT. MOTION CARRIED BY THE FOLLOWING VOTE:**

**AYES: COUNCILMEMBERS: BRAGG, SPRIGGS, BILBRAY, JANNEY**  
**NOES: COUNCILMEMBERS: NONE**  
**ABSENT: COUNCILMEMBERS: PATTON**

**5.3 CITY COUNCIL BRIEFING NO. 2 – PALM AVENUE MIXED USE & COMMERCIAL CORRIDOR MASTER PLAN. (0620-90)**

ASSISTANT CITY MANAGER WADE gave the second briefing on the Palm Ave. Mixed Use & Commercial Corridor Master Plan. He noted that the April 29<sup>th</sup> workshop was well attended and that the comments and questions that were raised at the workshop are summarized in the staff report. He reported on the continued efforts on Community Outreach and Engagement Strategy for the project. With regard to a letter received from Caltrans, he noted that some of the comments would all but preclude the implementation of several key elements of the Master Plan. Staff and the consultant have since met with Caltrans and are currently waiting to hear back from Caltrans on resolution of some of the difficult items. In response to Councilmember Bragg's question about giving a presentation to the City of San Diego, he stated that the Senior Planner for the Otay-Nestor Community attended the April 29<sup>th</sup> workshop, he will request a presentation to the Otay-Nestor Community Planning Group and he will engage Councilmember Alvarez's office. He also reported that the City of San Diego received a \$250,000 grant from the State to make their section of the corridor between Interstate 5 and the City of Imperial Beach more pedestrian friendly, safer and implement traffic improvement measures.

MAYOR JANNEY stated that he will assist with getting the City of San Diego, District 8 involved in the process.

ASSISTANT CITY MANAGER WADE reported on the timeline for the project. He anticipated completion of the environmental documents by February 2015 with construction the following year.

COUNCILMEMBER PATTON arrived at 7:28 p.m.

**5.4 PRESENTATION TO COUNCIL ON THE FINAL GRANT PROJECT REPORT FOR THE DETECTION, MAPPING, AND COMMUNICATION OF SOLID WASTE POLLUTION SOURCES IN THE TIJUANA RIVER VALLEY. (0770-87)**

ENVIRONMENTAL PROGRAM MANAGER HELMER introduced Oscar Romo and Jennifer Hazard, project leads on the grant.

JENNIFER HAZARD, along with OSCAR ROMO, reported on the 2014 Detection, Mapping and Communication of Solid Waste Pollution sources in the Tijuana River Valley (Attachment 1 to

the staff report). The purpose of the project was to produce a comprehensive record of Tijuana dumpsites that pollute the receiving waters of the Tijuana River Valley. This record will serve as a technical implementation tool to affect policy change toward the eventual eradication of illegal dumping practices in Tijuana.

In response to Councilmember Spriggs' question about what Imperial Beach can do to encourage the removal of trash prior to raining season, OSCAR ROMO responded by encouraging City Council to show interest in the matter by visiting with the Tijuana City Council and expressing gratitude to them for what is being done.

JENNIFER HAZARD encouraged attendance at the Binational Summit on the Tijuana River Valley Recovery Strategy on June 4<sup>th</sup>. She said there is an objective to develop a Binational Five Year Action Plan for collaborative projects.

MAYOR JANNEY asked Mr. Romo to help facilitate a visit with the Tijuana City Council.

**I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (6)**

None.

**ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)**

None.

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 7:54 p.m.

\_\_\_\_\_/S/\_\_\_\_\_  
James C. Janney, Mayor

\_\_\_\_\_/S/\_\_\_\_\_  
Jacqueline M. Hald, MMC  
City Clerk